

EXHIBIT A

FROM :

FR: D. :

Oct. 07 2003 12:43PM P1

TOWNSEND
and
TOWNSEND
and
CREW
LLP

Palo Alto, California
Tel 860 326-2400

Walnut Creek, California
Tel 925 472-5000

San Diego, California
Tel 858 350-6100

Denver, Colorado
Tel 303 571-4000

Seattle, Washington
Tel 206 467-9800

San Francisco

Two Embarcadero Center
Eighth Floor
San Francisco
California 94111
Tel 415 576-0200
Fax 415 576-0300

memchugh@townsend.com

October 9, 2006

VIA EMAIL, ORIGINAL BY MAIL

Mr. Nicholas Woodhams
iPod Mechanic
832 Weaver Avenue
Kalamazoo, Michigan 49006

Re: **Mark/Trade Name IPOD MECHANIC**
Infringement of U.S. Reg. No. 2,835,698 and 3,089,360
Trademark: IPOD
Owner: Apple Computer, Inc.

Dear Mr. Woodhams:

Thank you for contacting me to let me know that you intend to comply with Apple's demand and cease use of IPOD MECHANIC as a trademark, trade name and business name. Apple appreciates your cooperation in this regard.

In reliance on your representation, Apple will agree to allow you a phase-out period of approximately three months to cease use of IPOD MECHANIC and allow you to continue to use the domain name *ipodmechanic.com* thereafter until March 1, 2007, for the sole purpose of allowing you to redirect visitors to your website (automatically and seamlessly) from the domain name *ipodmechanic.com* to a new domain and website, provided you promptly confirm and agree that:

1. By January 1, 2007, you will cease all use of the IPOD MECHANIC (and IPOD MECHANIC.COM) as a mark, trade name and business name (except use of the domain name, as expressly provided above), and not use any mark containing Apple's IPOD and POD trademarks, or any variations thereof, in connection with the promotion or sale of your goods and services;
2. You will permanently refrain worldwide from using, attempting to register, or otherwise claiming exclusive rights in IPOD MECHANIC, and any other name or mark identical or confusingly similar to any of Apple's trademarks, including IPOD or POD, or any variations thereof;

FROM :

FR: D. :

Oct. 09 2003 12:44PM P2

TOWNSEND
and
TOWNSEND
and
CREW
LLP

Mr. Nicholas Woodhams
October 9, 2006
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3. Except as expressly permitted above, you will permanently refrain from using or attempting to register, or registering, any domain name containing or comprising the term POD or IPOD, or any variations thereof; and

4. By March 1, 2007 you will cease all use of the *ipodmechanic.com* domain, and agree to thereafter hold the domain *ipodmechanic.com* without using it until the current term of registration expires.

If this letter correctly summarizes your representation and agreement, please countersign a copy of this letter and return it to us by October 17, 2006, and Apple will consider this matter amicably resolved, assuming you comply. Please note, however, nothing in this letter should be construed as limiting Apple's rights or remedies against you for any claim not expressly addressed herein, including but not limited to, any claim relating to any warranty fraud or similar claims, which rights Apple expressly and fully reserves herein.


Thank you very much for your cooperation.

Very truly yours,


Margaret C. McHugh

READ, UNDERSTOOD, AND AGREED:

IPOD MECHANIC:

By 

Name: Nicholas Woodhams

Title:

Date: November 20, 2006

MCM

cc: Apple Computer, Inc.
60875447 v2